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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,656	11/03/2000	Mark John McGrath	450110-02870	7570
20999	7590	08/11/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/705,656

Applicant(s)

MCGRATH ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 5/16/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 25-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Response to Arguments**

1. Applicant's arguments with respect to amended claims 1-5 and new claims 25-31 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Objections**

2. Claim 30 is objected to because of the following informalities:

There is two claim 30 s, one is on page 6 and the other is on page 7, the examiner will address the claim based on the claim number 30 and pages 6 & 7.  
Appropriate correction is required.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-5, 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 5,956,458) in view of Dimitrova et al. and McGrath et al. (US 6,799,180).

The examiner incorporates by reference the last action against the claim wherein the examiner will address the amended claim language.

Regarding claims 1-3, Sezan fails to disclose generating metadata automatically and wherein the meta data includes a UNIQUE ID CODE for each of the parts of the material, which uniquely identifies the material being audio and video.

Dimitrova teaches a means to automatically generating meta data, using a signature the system will identify clips, wherein the signature of the query video clip is compared with signatures stored in the meta database, with video clips having signatures similar to the signatures of the query video clip identified, wherein the identified clips are done by the system automatically, allowing for retrieval and displaying by selection of a user (abstract), thereby creating retrievable selectable data or meta data, as taught by Dimitrova.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Sezan by providing a means to automatically generate meta data by, as taught by Dimitrova to identify clips automatically, wherein the identification information is META data, for a user to allow for retrieval and displaying of the automatically generated data, being video clips.

McGrath teaches the utilization of UMID, materials identifier, associated with assigning number/numbers, cuts, dissolves, fades, camera shot marking, zoom, parameters, technical features, locations markers, GPS, time-zones, silence periods, tempo, beat marking, rhythm, good shot marking, as taught by McGrath.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by incorporating the utilization of UMID for good shot or clips or parts of audio and video materials, as suggested by McGrath, to identify sections of material with UMID being unique identifiers, there by identifying desired features with the source content and further to record the meta data, as taught by Sezan to the medium.

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Regarding claim 3, based on the combination the two ways of generating meta data are separate from each other, therefore, reads on that the meta data would be/can be generated at different times, therefore, communicated separately, further Sezan also has a MIC 18, for additional information or meta data, different means, separate communication of the data, also see Fig. 3 and Fig. 1.

Regarding claim 4, based on the combination as applied, further renders obvious more than one meta data generator, a portable data processor (Fig. 1, Sezan, Camcorder 12) and further obvious to store the user initiated and automatically generated meta data, as taught by Sezan (Fig. 2).

Claims 5, 25-31, have been analyzed and discussed with respect to the claims above, further to address claim 31, computer program product associated with a processor for performing the method, the examiner takes official notice that the implementation in software is obvious to those skilled in the art to implement the method with a program to facilitate the process with associated hardware {VCR} and CPU processor control, as is obvious if not met by the combination, as would have been obvious to those skilled in the art.

### **Conclusion**

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,  
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier  
communications should be directed to the examiner of  
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00  
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
8/8/05

  
VINCENT BOCCIO  
PRIMARY EXAMINER